

WHITE RIVER FIRST NATION

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Dawson Regional Planning Commission
Suite 201, 307 Jarvis St.
Whitehorse, YT

RE: White River First Nation Comments – Draft Dawson Regional Land Use Plan

Dear Planning Commission,

This letter is to provide on comment on the Dawson Regional Land Use Plan (DRLUP) draft. We would like to start by recognizing the work, time, and commitment of the Dawson Regional Planning Commission (DRPC) to complete this draft.

Throughout the planning process White River First Nation (WRFN) has provided feedback and comments on key documents such as the Resource Assessment Report and the Issues and Interests Report. We have also met with the Senior Planner to share our concerns and submitted a document called *White River First Nation Conservation Priorities for the Dawson Regional Land Use Plan* outlining our conservation concerns prior to the release of the draft plan. We are pleased to see some of our conservation priorities being address in this version of the draft.

We feel that the plan fails to recognize the importance of the planning region to WRFN's past, current, and ongoing ties to the landscape. We recognize that Tr'ondëk Hwëch'in (TH) has a strong cultural connection to this area, and that TH's planning involvement in the DRLUP arises from specific legal standing. However, interests specific to TH dominate throughout the DRLUP. Page 20 asserts that "other First Nations' perspectives on culture and heritage in the planning region are equally important to consider", but this comes across as insincere. As an example, reference to all future actions undertaken by "the Parties" when that is defined on p. 15 to include only Yukon Government and TH.

For a large portion of the planning region, WRFN's ties to the land are ancient and WRFN rights are unceded. In our Conservation Priorities submission, we highlighted our current and historical uses of landscape management units (LMU) 3, 20, 21, and 22 yet in the DRLUP there is no mention of our cultural connection or current uses of these areas. Throughout this submission we will include some specific examples of where the Commission could include WRFN in their recommendations and highlight our history and current use.

This submission will provide specific comments on the LMUs of interest to WRFN as well as some more generalized feedback on the recommendations.

LMU 3: Yukon River

WRFN is supportive of a sub-regional land use plan for the Yukon River LMU, however WRFN requests deeper participation in late-stage planning and then implementation. We recommend that the Commission is more specific in their recommendation to include all affected First Nations in the sub-regional planning process for this LMU, including a framework for how that recommendation could be advanced.

For this sub-regional plan to be successful there must be an interim withdrawal of staking throughout the entire LMU. However, it is unclear in the plan what areas of this LMU the Commission recommends be withdrawn from staking. WRFN proposes the entire Yukon River LMU is withdrawn from staking until the planning process is complete.

The Draft Plan states that existing mineral tenure will be restricted (Special Management Direction #2) but does not describe the nature of these restrictions. Which industries and activities will be restricted and what will those restrictions look like? Perhaps the restriction statement refers to the ISA II cumulative effects thresholds. In any event, WRFN would like greater clarity on the specific industrial land use restrictions that will be implemented.

Summary recommendations

- WRFN should be included in the sub-regional planning process for the Yukon River corridor. Other First Nations may have a similar interest and standing in the ongoing planning process as well.
- Clarify restrictions on development and industrial activity.
- How will a cumulative impacts assessment be completed in the Yukon River Corridor considering the surrounding LMU's are areas of high industrial activity?

LMU 20: Coffee

WRFN recognizes this area is home to advanced exploration project and a proposed hard rock mine (imminently), and high development pressure for future quartz and placer mining. This LMU is also an area of high cultural value for WRFN. As mentioned previously the DRLUP fails to recognize WRFN connections to the planning region. In the Heritage, Social, and Culture value section of this LMU, WRFN needs to be recognized for our historic and contemporary use of the area. In our Conservation Priority submission, we shared that we have a hunting camp that we use annually in this area. We recommend that the Commission include in the Traditional Economy section that this area has "historical and contemporary use for hunting by the WRFN" and that in the Heritage Resources section that the LMU "contains cultural significance to Tr'ondëk Hwëch'in, White River First Nation, and other impacted First Nations".

Because of the importance of this area to WRFN, described in the WRFN Conservation Priority submission, we must be included in future management of this area and our connection needs to be identified in the DRLUP. In the first recommendation for this LMU, it states "Area contains important caribou migration routes and ridgetops. Future development should minimize impacts to these areas by working with Yukon Government and Tr'ondëk Hwëch'in to identify appropriate conditions." We

suggest this to be reworded to include other affected First Nations. For example, “Future development should minimize impacts to these areas by working with Yukon Government, Tr’ondëk Hwëch’in, White River First Nation, and other affected First Nations to identify appropriate conditions.”

WRFN also has concerns about how the Northern Access Road (NAR) will impact this LMU. While recognizing that much of the NAR is outside of the planning region for the DRLUP WRFN feels that to complete a LUP for this LMU impacts related to the NAR need to be considered. The NAR itself, as described by the Coffee Gold project, will be decommissioned after roughly 15 years of use. If that remains a binding commitment for industry and government, cumulative access concerns for the NAR may be significantly mitigated. WRFN suggests that the final LUP highlight the heavy implications of relaxing that commitment. Any modification to the temporal or spatial extent of the NAR (for example, connecting to a future Yukon Resource Gateway Corridor) could be framed as a trigger to re-evaluate the LMU priorities and objectives. This could be some scoping-level guidance for the Access Management Plan concept for LMU 20, as mentioned on p. 58.

The “Special Management Directions” for LMU 20 (p. 164) offer some strong candidates for cumulative effects indicators that would be specific to that LMU:

- Ridgetop habitat connections and connectivity
- Quantity, timing, altitude, and attributes of air traffic
- Water quality for individual watersheds within the LMU
- Pristine areas retained for undisturbed cultural pursuits

Perhaps this creates stronger value in a broader set of sub-regional land use plans, or other terminology to reflect LMU-specific thresholds. It may be ambitious to define indicators for sub-regional LUP at this time, but we see strong value in specific direction that indicators are envisioned to relate to the high-level LMU objectives.

Summary of Recommendations

- Recognize WRFN’s historic and contemporary use of the Coffee Creek area in the values section.
- Include WRFN and other affected First Nation in future planning and identifying mitigations to caribou.
- Consider impacts from the Northern Access Route in the planning process for this LMU.
- Specify direction for future sub-regional LUP cumulative effect indicators and thresholds

LMU 21: White

WRFN supports the Integrated Stewardship Area I designation for this LMU. We feel that the recommendations are adequate, however we would like to know more about why only ‘field surveyed’ wetlands will be protected from development? Throughout the DRLUP the scarcity, ecological value and fragility of wetlands are discussed. Additionally, the plan speaks to applying the Precautionary Principle. It is our understanding that wetland mapping is in process. Until this process

is completed WRFN recommends no development in fens, marshes, and bogs until they can be field surveyed.

The contemporary and traditional importance of this LMU to WRFN is detailed in the White River First Nation Priorities for the DRLUP which has been previously submitted to the Commission. WRFN asks that the Commission draw upon this document to include the connection of WRFN to this LMU in Heritage, Social and Cultural Value section of the DRLUP.

Summary of Recommendations:

- Change recommendation #1 to restrict development in and near suspected fens, marshes, and bogs until field verified mapping can occur.
- Provide more details of the WRFN contemporary and historic connections to the region in the White LMU Heritage, Social, and Cultural Values section.

LMU 22: Scottie Creek Wetlands

WRFN is pleased to see that the Scottie Creek Wetlands LMU is designated as a Special Management Area but feels that SMA 1 is a better level protection of for this region than SMA II. The importance of the area is recognized in the text of the Draft Plan in the statement, “This area represents the largest intact wetland complex in the region, and it offers important waterfowl staging grounds and nesting habitat. Access into the area is limited, as is the existing mineral tenure. The area also holds deep intrinsic value for maintaining ecological, social, and cultural connections with adjacent regions and into Alaska”.

Additionally, WRFN would like avenues to remove existing mineral tenure in the region to be explored. The Scottie Creek Wetlands not only have immense ecological value, WRFN people have a deep cultural connection to the region. Based on the importance of these wetlands to the people of WRFN, and the importance as recognized by the Commission, WRFN feels that mining does fit within the vision for this LMU.

The creation of a Habitat Protection Area for the Scottie Creek Wetlands fits into the vision WRFN has for this region. Although outside the jurisdiction of the DRLUP, we would recommend that this HPA extend beyond the DRLUP southern boundary to encompass the entire wetland complex. WRFN would like to be included in any exploration of creating a HPA here, however as written in the DRLUP we are not included in the definition of “parties”. We would prefer to the language to state WRFN, TH, and YG should create a Habitat Protection Area for the Scottie Creek Wetland LMU.

The Cumulative Effects Threshold for this region in the DRLUP is set to ISA II. WRFN feels like this is not consistent with the SMA II designation of this area nor the importance and uniqueness of the region as described in the plan. We encourage the commission to use the more conservative ISA I threshold levels. If this LMU is already past the ISA I threshold, appropriate measures should be taken to reclaim the area.

Finally, the Commission has recognized that WRFN has expressed that this LMU has high a cultural value. The details of the cultural importance of this region to WRFN are included in the Conservation

Priorities submission, and could be used to fill out the Heritage, Social, and Cultural Values section of the DRLUP.

Summary of Recommendations

- Designate Scottie Creek Wetlands an SMA I.
- Remove all existing mineral tenure in the Scottie Creek LMU.
- Create an a HPA with YG, TH, and WRFN.
- Cumulative Impacts Threshold set at ISA I level, if the LMU remains an SMA II.
- Recognize WRFN’s cultural values in this area by providing more details.

Other questions

Organization of LMU specific summaries

Section 5 summarizes the key attributes and management priorities for the various LMUs. In a document like this LMU-specific summaries tend to become reference points in the future. For each LMU summary in Section 5, we recommend that all recommendations for that LMU elsewhere in the document be consolidated, with cross-referencing to more detailed sections if necessary. For example, Section 5.20 (LMU 20 – Coffee) does not mention the earlier recommendations to develop an Access Management Plan, nor that this LMU is tentatively #4 on the priority list for better baseline data.

Cumulative Effects Indicators and Framework – As Proposed

WRFN would like to see more details around cumulative effects indicators discussed in the DRLUP. We recognize that cumulative effects are a challenging topic but feel that the indicators used in the DRLUP need to be better explained. Some of the information we would like to see included in the DRLUP is listed below.

- Details of how indicators are measured, or preferably an established and tested protocol for collecting measurements.
- Clear definitions of features included in linear density and disturbed measurements.
- Clarity on when a surface is considered recovered and whether recovered surfaces are included in measurements.
- More detail about how disturbance thresholds were chosen.
- Retract the statement on p. 177 that “it is at the discretion of the Parties to determine the process for tracking indicators” – instead, this topic should be significantly developed in the Final Land Use Plan. Emphasize the importance of reliable data, available in a timely and consistent format as development unfolds. Offer some ideas about how this could be rolled out so that proponents, government, First Nations and academia collect data in a common way. The Parties need not be bound by procedural recommendations, but as-is the DRLUP falls far short in effort to establish a Cumulative Effects Framework. It merely offers two indicators.

Cumulative Effects Indicators – Current Omissions

Cumulative Effects indicators are addressed in Section 3.5.1. The two LMU-wide indicators suggested in the DRLUP are both related to caribou with assumed linkages to access, hunting and general habitat. The DRLUP acknowledges that other cumulative effects indicators are warranted for topics such as water, salmon, wetlands, ridge-top migration areas, stewardship, etc. but provides very little detail on what these indicators may be. On pages 39 and 40 there are reference to potential water and stewardship indicators, but these are left unexplained. The need for cumulative effects indicators on socio-culture values is recognized but only as it relates to TH. Developing these indicators is deferred to research recommendations: “*other indicators should be evaluated for use in regional plans*” (sic; p. 40), or “*research and develop one or more cumulative effects indicators based on socio-cultural values, that incorporates traditional knowledge and on-the-land experience*” (p. 108). There has been sufficient research on land use planning and cumulative effects management to suggest specific indicators, at least on a trial basis. WRFN strongly suggests that additional LMU-wide indicators be included in the DRLUP such as:

- One or more indicators related to watershed health
- One or more indicators related to stewardship
- One or more indicators related to indigenous rights or intrinsic/holistic cultural values of LMUs
- Allowance for LMU-specific cumulative effect thresholds

We recognize that including these suggested indicators in the DRLUP is labour intensive, but WRFN is concerned that if they are not included at this stage of land use planning, they will not be included at all. WRFN would not be satisfied for this LUP to include only 2 closely related cumulative effects indicators (linear disturbance and total development footprint).

Fen Threshold

The Commission is considering a development threshold for fens between 25% and 75% for this draft plan which would apply to most integrated stewardship areas. These options do not apply to SMAs, ISAs with specific management directions in the LMU table, and active permits. Our questions for fen threshold are very similar to our questions about cumulative impacts. We would like to see more detailed methodology for how thresholds are determined, and data are collected.

Inconsistency with Sub-Regional Plans

Section 6.3.3 indicates that only Dempster Highway Corridor and Yukon River Corridors would be subject to sub-regional plans. Elsewhere, LMU 13 (Klondike Valley) is presented as a sub-regional planning area.

Start with Something, Adjust in Future

Notwithstanding the questions and suggestions above, we strongly support the effort so far to establish long-running cumulative effects indicators. Long-term investment in baseline data followed by annual updates should remain a priority outcome for the final LUP. Too much of the future process is trusted to hope in the DRLUP. Consistency in data methodology amongst government, industry, First Nations, and academia is strongly advised: the final LUP should make a case for the benefit of

such consistency, and some means by which it could be achieved. For GIS-based indicators, a single web-portal with standardized GIS requirements in the Final LUP should provide a stronger framework

Closing

Ultimately it is our hope that this submission will provide an opportunity for discussion with the Commission on ways to incorporate our ideas and concerns. Included in this submission is the *White River First Nation Conservation Priorities for the Dawson Regional Land Use Plan* document which provides many details on WRFN historical and contemporary use of the LMUs identified in this submission. We ask that the DRLUP use this document to ensure that WRFN interests and connections are included in the DRLUP.

Sincerely,
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White River First Nation

cc: Neil McGrath, Lands and Resource Manager, White River First Nation
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